DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/08 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-16, 21-23, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Distler et al (US 6,195,578—cited by Applicant) in view of Mohapatra et al (US 5,525,905).

Distler et al disclose a device for supporting a patient with respect to an MR apparatus comprising a gantry 1 with an aperture 2 operable to receive a patient to be examined, a height adjusting device 5 operable to support a patient bearing table 3 with tabletop 4, wherein a mounting of the height adjusting device is displaced laterally from

the aperture (see Figure 1). The height adjusting device 5 comprises a load-bearing support arm that is adjustable in height and rotatable about axis D, or alternatively axis K (see Figure 1). The patient bearing table also moves along an axis through the examination aperture (see Figure 1).

Distler et al disclose an MRI apparatus, but not a CT gantry as claimed. However, the structure of MR and CT gantries are similar in that they both comprise apertures for receiving patients on tables that are adjustable to move through the aperture, as well as in the vertical direction (i.e. height-adjusting). Mohapatra et al teach of a patient handling system for use on multiple imaging systems such as MRI and CT. A CT-type gantry 4 is depicted in Figure 1 (col 6, lines 3-11). It would have been obvious to the skilled artisan to replace the MR gantry in Distler et al with a CT gantry, as taught by Mohapatra et al, because similar (or identical) patient handling systems are interchangeable for multiple imaging systems, including MR and CT (col 6, lines 3-11).

Claims 17-20, 24-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Distler et al and Mohapatra et al as applied to claims 9 and 22 further in view of Seufert (US pub 2002/0112288).

Distler et al and Mohapatra et al substantially disclose the invention as claimed, but do not teach a second height adjusting device and associated elements. However, Seufert teaches of a CT apparatus with an arrangement wherein it is beneficial to have a second height adjusting device associated with the CT gantry for receiving the patient

at the opposite end of the aperture while another patient is being prepared to enter the device (see figure 5). It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a second height adjuster designed in the same fashion as that disclosed by Distler et al/Mohapatra et al in order to utilize the CT device for one patient while another patient is being prepared to enter the device, as taught by Seufert.

Claims 9-12, 22-23, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gore (GB 2,286,887) in view of Mohopatra.

Gore discloses an MRI scanning apparatus comprising a housing with an aperture into which a patient is introduced. A platform 3 is arranged to move as the crank arm (i.e. height adjusting device) is rotated between a low position and a high position (see figures 1, 2). It is further noted that any suitable drive and coupling mechanism may be used to rotate the crank arm between the two positions (see pg 5). It is noted that Gore describes an arrangement of a height adjusting device displaced laterally from the aperture, when the apparatus is viewed from the direction perpendicular to that shown in figure 1.

Gore discloses an MRI apparatus, but not a CT gantry as claimed. However, the structure of MR and CT gantries are similar in that they both comprise apertures for receiving patients on tables that are adjustable to move through the aperture, as well as in the vertical direction (i.e. height-adjusting). Mohapatra et al teach of a patient handling system for use on multiple imaging systems such as MRI and CT. A CT-type

gantry 4 is depicted in Figure 1 (col 6, lines 3-11). It would have been obvious to the skilled artisan to replace the MR gantry in Distler et al with a CT gantry, as taught by Mohapatra et al, because similar (or identical) patient handling systems are interchangeable for multiple imaging systems, including MR and CT (col 6, lines 3-11).

Response to Arguments

Applicant's arguments with respect to claims 9-28 have been considered but are moot in view of the new ground(s) of rejection.

In addition and with respect to the Gore reference, Applicant's arguments filed 4/7/08 have been fully considered but they are not persuasive. Applicant argues that when viewed from a side perspective, an appropriate description of the relationship of the axis 5 to the axis of the MRI device 1 is that the axis 5 is displaced vertically from the axis of the MRI device 1. However, Applicant has not claimed any feature(s) of the currently claimed invention that would not allow the claim to be interpreted in this manner. When viewed from the side perspective, the height adjusting device is still lateral to the aperture. Contrary to Applicant's assertions, there is still a lateral side even though the perspective may be referred to as a 'side perspective.' Without further defining the how the height adjusting device is mounted, the claim will be interpreted is this way.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROZANSKI whose telephone number is (571)272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/
Primary Examiner, Art Unit 3768

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